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Crl.R.C.No.1132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1132 of 2023

S.Praveenkumar

... Petitioner

..VS..

1. The Deputy Commissioner of Police,
St.Thomas Mount District, Chennai – 16.

2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai – 100.

3. Vetriselvan

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order of dismissal dated 25.01.2022 in Crl.M.P.No.50 of 2022 passed by the learned Judicial Magistrate No.2, Alandur and consequently direct the Inspector of Police, Pallikaranai Police Station to register the complaint in C.S.R.No.959 of 2021.

For Petitioner	:	Mr.Panjamurthy K.
For Respondents	:	Mr.S.Sugendran Additional Public Prosecutor for R1 and R2 Mr.M.Rajkumar for R3



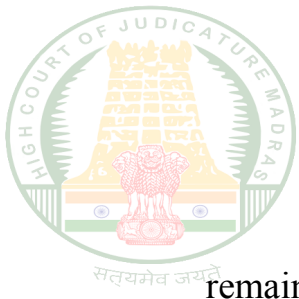
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ORDER

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This Criminal Revision Petition is filed as against the order of dismissal dated 25.01.2022 passed by the Judicial Magistrate No.II, Alandur in Crl.M.P.No.50 of 2022 and consequently direct the Inspector of Police, Pallikaranai Police Station to register the complaint in C.S.R.No.959 of 2021.

2. Learned counsel for the petitioner submitted that one Vetriselvan - third respondent, who was working as Manager in the petitioner's Company, had misappropriated the company funds and also cheated the petitioner. When the same was questioned by the petitioner, the third respondent threatened the petitioner and his wife with dire consequences. Hence, based on the complaint given by the petitioner, the second respondent-Police summoned the third respondent on 29.01.2021 and during the enquiry, the third respondent agreed to repay the amount of Rs.24,00,000/- to the petitioner in installments and also agreed to repay the first installment of Rs.5,00,000/- on 15.02.2021 and the



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remaining amount of Rs.19,00,000/- after three months from the date of

the first payment and he has also executed an agreement to the petitioner.

As per the said agreement, the third respondent paid the first installment,

but thereafter, he failed to pay the balance amount. When the petitioner

requested the third respondent to repay the balance amount, he refused to

repay the amount and also threatened him. Hence, the petitioner has

given a complaint before the second respondent-Police, against the third

respondent. The second respondent-Police had taken the complaint on

file and issued C.S.R.No.959 of 2021. Since there was no response from

the respondents-Police, the petitioner filed a petition by invoking Section

156(3) Cr.P.C., before the learned Judicial Magistrate-II, Alandur in

Crl.M.P.No.50 of 2022, praying to register the F.I.R. against the third

respondent for the offences punishable under Sections 406, 408, 417, 420

and 506(Part-II) IPC. However, the learned Magistrate dismissed the

petition on 25.01.2022 by observing that the dispute between the parties

is civil in nature and civil remedy is available to the petitioner.

3. Heard both sides and perused the materials available on record.



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4. On a perusal of the records, it is seen that there was an agreement entered into between the petitioner and third respondent regarding repayment of misappropriated amount. The learned Magistrate, after appreciating the entire records, found that dispute between the parties is civil in nature and ingredients of the offences are not made out against the accused and hence, the petition was dismissed.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either, this Court is of the view that the claim of the petitioner is purely civil in nature. Hence, this Court does not find any perversity or illegality in the order passed by the learned Magistrate. Therefore, this Criminal Revision Petition is dismissed. However, the petitioner is at liberty to work out his remedy before the competent Court.

11.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Judicial Magistrate No.II,
Alandur.
2. The Deputy Commissioner of Police,
St.Thomas Mount District,
Chennai – 16.
3. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai – 100.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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